IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 25542 of 2003

Between:

M. Rama Rao S/o late Narasimharao,Indian,aged about 50 years,
Agriculturist, R/o Abburu Village, Sattenapalli Mandal,

Guntur District.

..... PETITIONER

AND

1 The Dy. Registrar of Cooperative Societies, Guntur District, Guntur.
2 The Joint Registrar of Cooperative Societies, Hyderabad. The

Cooperative Sub Registrar, Office of the Dy. Registrar
of Cooperative Societies, Guntur District, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in ordering a 2nd enquiry and proceeding with the same vide his proceedings Rc. No. 3594/90-E dt 26-5-2003, as illegal, arbitrary, without jurisdiction and hit the theory of double jeopardy.

Counsel for the Petitioner:MR.M.PRABHAKARA RAO

Counsel for the Respondent Nos.1&2 : GP FOR COOPERATION

The Court made the following :

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THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No.25542 OF 2003

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Co-operatives and at their request the main writ petition itself is taken up for disposal.

The petitioner who was an ex-president of the Society in question, filed this writ petition, inter-alia, seeking to assail the impugned notice dated 26.05.2003 in Rc.No.3594/90-E issued by the first respondent herein, purported to have been issued under Section 60 of the Andhra Pradesh Cooperative Societies Act, 1964.

The main grievance of the petitioner is that having regard to the earlier report filed against the Secretary and who has already paid the amount as determined against him, the question of initiating fresh proceedings against the petitioner once again is wholly unsustainable. In support of his contention, the petitioner sought to place reliance on the principle laid down by the Division Bench of this Court in *The Primary Agricultural Co.op. Society rep. by its President S.Ranga Reddy v. B.Malla Reddy and others.*

The learned Government Pleader for Cooperatives appearing on behalf of the respondents supported the impugned notice on various grounds. However the fact

remains that the impugned action is only a show-cause notice, for which the petitioner was called upon to file his explanation.

In view of the above, this Court feels that it is not appropriate to interdict the proceedings at this stage. It is open for the petitioner to file a detailed explanation raising all such contentions including as to the sustainability of the very proceedings, which shall be considered on merits and disposed of in accordance with Law.

The writ petition is accordingly dismissed, permitting the petitioner to file his explanation within a period of four weeks from today, and on receipt of such explanation, the respondents shall pass an order after giving an opportunity to the petitioner. It is needless to mention that till the final orders are passed no coercive steps shall be taken against the petitioner. No costs.

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20th July, 2004.

Cs/skmr

To

1.The Deputy Registrar of Cooperative Societies, Guntur District,Guntur.

2.The Joint Registrar of Cooperative Societies, Hyderabad

3.The Cooperative Sub-Registrar, Office of the Dy.Registrar of Co-operative Societies, Guntur District, Guntur.

4.Two C.Cs. to the Government Pleader for Cooperatives, High Court Buildings, Hyderabad. (O.U.T.)

5.Two C.D. copies.